

Special Civil Application No 1139 of 1996

And

Special Civil Application No.1140 of 1996

And

Special Civil Application No.1141 of 1996

And

Special Civil Application No.1142 of 1996.

Date of decision: 12/02/96

Hon'ble MR.JUSTICE S.K.KESHOTE

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GANPATBHAI DOLABHAI PARMAR

vs

FOOD CORPORATION OF INDIA

Appearance: MR US BRAHMBHATT for Petitioner

In Special Civil Application No 1140 of 96

BABUBHAI NARSIBHAI PARMAR

vs

FOOD CORPORATION OF INDIA

Appearance: MR US BRAHMBHATT for Petitioner

In Special Civil Application No 1141 of 96

CHAMPABEN KHODIDAS PARMAR
vs
FOOD CORPORATION OF INDIA

Appearance: MR US BRAHMBHATT for Petitioner

In Special Civil Application No 1142 of 96

KHANDUBHAI GIRDHARIBHAI SOLANKI
vs
FOOD CORPORATION OF INDIA

Appearance: MR US BRAHMBHATT for Petitioner

CORAM: S.K.KESHOTE, J.
DATE: 12TH FEBRUARY, 1996

COMMON JUDGMENT:-

The petitioners have not disclosed all the material facts in the writ petitions before this court but during the course of argument, learned counsel for the petitioner has fairly conceded that the recruitment has been made from the Departmental Casual Labourers from the list prepared of 184 members in the year 1991. The petitioners have come out with the grievances that their cases were not considered for recruitment in the service of the Corporation, though they were also Departmental Casual Labourers working during contract period as contract labourers of the contractor named in the petitions during period from 23th July 1987 to 18th September 1989. All the petitioners have mentioned in the writ petitions that before approaching this court they filed the representation to the Corporation in respect of the grievances made in the writ petitions but their representation has not been considered. The date of the representation is given to be 15th January, 1996. In one of the Special Civil Application No. 1140 of 1996, xerox copy of the acknowledgment has been produced at Page 9. From the acknowledgment slip, it comes out that some letter has been sent to the Presiding Officer

of Labour Court, Bombay and that letter has reached to the Office of Presiding Officer, Labour Court, Bombay on 4th January, 1991. Counsel for the petitioner contended that one of the petitioners has sent an application to the Presiding Officer, Labour Court, Bombay in connection with the grievance made in this petition. The recruitments were made in the year 1991 is also fortified from this acknowledgment slip. Writ petition has been filed by the petitioner before this court on 8th February, 1996 i.e. about five years of the date on which the recruitment has been made. This delay of five years in approaching this court has not been explained. Delay and laches in filing of the writ petition is a relevant consideration. The fact that the petitioners have not chosen to file this petition for such a long time, gives out that they have no grievance whatsoever in the matter. Merely by filing representation to the respondent in the year 1996, the claim cannot be taken to be surviving. Delay in approaching this court is relevant for another aspect. Recruitment has been made in the year 1991 and the petitioners, by their own conduct of not approaching the appropriate authority for redressal of their grievances, have allowed the recruitment to attain finality and settled. All the persons have been recruited in the year 1991 and settled position cannot be allowed to be unsettled at this stage only because the petitioners have now awakened about their rights. Yet there is one reason which goes against the petitioners. In the year 1991, one of the petitioners has approached before the Presiding Officer of Labour Court, Bombay but nothing has been placed on record as to what happened to that application. The petitioner in Special Civil Application No.1140 of 1996 was aware of his right in the year 1991, but he has not initiated any further proceeding which suggests that he has no grievance whatsoever in the matter, otherwise, there was no reason to sit silent for all these years.

In the result, writ petitions fail and the same are dismissed. No order as to costs.
